THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2246 OF 1999

DATED:16.2.2006

Between:

G.Pratap Reddy and others

…Petitioners

And

The Special Collector, SRSC,

SLBC, Pulichintala Project,

Tarnaka, Hyderabad and others

…Respondents

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ORDER:

The five petitioners are residents of Daryapur Village, Dilavarpur Mandal, Adilabad District. They claimed to be owners and pattadars of land admeasuring Acs.60.00 in S.Nos.226, 251, 253, and 277/1 of Daryapoor Village. First respondent issued a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the Act) proposing to acquire Acs.106.35 gts. The petitioners alleged that the entire land owned by them admeasuring Acs.60.00 would be affected by backwaters of Sriram Sagar Project. Award is being passed by the respondents only in respect of small extents of petitioners' land. Therefore, they filed the instant Writ Petition seeking a direction to the respondents to include the entire extent of land belonging to the petitioners in the notification issued under Section 4(1) of the Act dt.11.11.1998.

The second respondent has filed a counter affidavit. It is stated that the Executive Engineer (Irrigation), Nirmal, sent a requisition for acquisition of land admeasuring Acs.81.24 gts. coming under submergence for construction of silt arresting tank near Daryapur. However, after survey it was found that the actual extent of land coming under acquisition would be Ac.107.33 gts. Accordingly, the Irrigation Department was asked to furnish revised requisition for Ac.107.33 gts. After receiving the revised requisition, notification under Section 4(1) of the Act was published on 11.11.1998 and award enquiry was also completed. An award in proceedings No.C1/566398 dt.9.3.2001 was also passed and compensation was paid to owners. It is further stated that total extent of land in the four survey numbers is Ac.50.27 gts. and when initial requisition was sent it is proposed to acquire only Ac.2.04 gts. However, after survey the requisition was revised proposing to acquire Ac.7.23 gts. in respect of which award was passed on 9.3.2001. A copy of the counter affidavit was served on the counsel for the petitioner in 2002. But, so far, no reply affidavit is filed denying the counter averments. Further, if any person whose land is acquired disputes the actual area that has come under acquisition, such question can also be raised by seeking reference to Civil Court. Writ Petition is not proper remedy.

The Writ Petition is devoid of merit and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

16.2.2006

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